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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,884	02/07/2001	James A. Johanson	L7480.0213/P213	3315

7590 12/05/2005  
HARNESS, DICKEY & P.L.C  
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Reston, VA 20195

EXAMINER
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LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/777,884	<b>Applicant(s)</b> JOHANSON ET AL.	
	<b>Examiner</b> Victor Lesniewski	<b>Art Unit</b> 2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-5, 19 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5, 19 and 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed 9/22/2005 has been placed of record in the file.
2. No claims have been amended.
3. Claims 3-5, 19, and 30-37 are now pending.
4. The applicant's arguments with respect to claims 3-5, 19, and 30-37 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

### ***Claim Rejections - 35 USC § 103***

5. Claims 3-5, 19, and 30-37 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Fumarolo et al. (U.S. Patent Number 6,204,844), hereinafter referred to as Fumarolo, in view of Bork et al. (U.S. Patent Number 6,246,376), hereinafter referred to as Bork, as discussed in the previous action dated 6/3/2005.

### ***Response to Arguments***

6. In the remarks, the applicant has argued:

- <Argument 1>

The combination of Fumarolo and Bork does not disclose the features of claim 19 because it does not disclose "selecting a nearby device associated with one of the detected signals to communicate with based on the received GPS coordinates" as recited in claim 19.

Art Unit: 2152

- <Argument 2>

The combination of Fumarolo and Bork is improper because the references contradict each other.

7. In response to argument 1, the combination of Fumarolo and Bork does disclose the features of claim 19. The previous line citation to Fumarolo, column 5, line 61 through column 6, line 12, clearly shows the selection of a device to communicate with. The selection of the talkgroup in Fumarolo is a selection of a device to communicate with. For clarification, the applicant is directed to Fumarolo, column 13, line 66 through column 14, line 6, which states that talkgroups “enable the users of the selected communication units to communicate directly with each other.” In addition, it is clear that Fumarolo’s system allows for the selection of a device associated with a detected signal as the system detects the locations of nearby communication units and displays them on a map for the user. It is also clear that the selection is made based on received GPS coordinates as the selection is made from a location on the map. The previous line citation to Fumarolo, column 13, lines 32-42, states that the locations of the communication units can be received from the communication units themselves, for example when the communication units include GPS receivers.

8. In response to argument 2, it is maintained that the combination of Fumarolo and Bork is proper. Both systems allow for a map-like display at a mobile communication unit that references other nearby communication units. One of ordinary skill in the art at the time of the applicant’s invention working with Fumarolo’s system would clearly have had knowledge of Bork’s system since Bork’s system is a similar communications network that also utilizes a mobile communication unit to provide an indication of the location of a second unit.

Futhermore, Fumarolo has set forth a system that detects nearby devices and displays them on a map. Fumarolo has stated several ways in which to gather the location data to generate the map, one of which being the collection of GPS coordinates for nearby devices. Since GPS data concerning other devices can be sent to a communication unit in Fumarolo's system, one of ordinary skill in the art would have found it obvious to use alternate methods of transferring GPS data to a communication unit such as via Bluetooth as presented by Bork. In this way it is maintained that the combination of Fumarolo and Bork is not improper as Bork's use of transmitting and detecting Bluetooth signals could be easily incorporated into Fumarolo's system and would have been clearly advantageous to Fumarolo's system as an alternate way to communicate to a mobile unit the location coordinates of other units.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2152

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.


The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152



BUNJOB JAROENCHONWANIT  
PRIMARY EXAMINER